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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,607	09/22/2003	Satoshi Suda	09868/000M896-US0	9764

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EXAMINER	
MOSSER, ROBERT E	

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
12/01/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/667,607	SUDA ET AL.	
	Examiner	Art Unit	
	ROBERT MOSSER	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 September 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-11,14-20 and 22-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-11,14-20,and 22-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/25/2008 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims **1-3, 8-9, 18-19,** and **24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett (US 6,419,579) in view of Inoue (US 6,942,572), in further view of Yoseloff (US 6,311,976).

Claims **1-2, 8, 18,** and **24**: Bennett teaches a gaming machine comprising:

a display module for displaying a changing display including the changing of multiple symbols (reel spin feature) at the start of a game (*Bennett* Figure 1, Col 1:60-67);

a plurality of symbols including a wild symbol (*Bennett* Fig 3, Col 2:12-21);

multiple win lines comprising a subset of the plurality of symbols (*Bennett* Col 3:25-35);

a static display of the plurality symbols on multiple areas of the display module (*Bennett* Figure 1, Col 1:60-67); and

an evaluation module for identifying multiple winning arrangements of symbols and wild symbols on the display such that the wild symbol establishes multiple predefined wins (*Bennett* Figure 1, Col 4:29-5:25).

While Bennett is arguably silent regarding visually differentiating the winning combinations generated on the display, the related invention of Inoue teaches the visual differentiation of winning combinations through the use of different colors of Illumination in a gaming machine (*Inoue* Abstract Col 2:5-24, 8:1-11). It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the differentiation features of Inoue into the invention of Bennett in order to clearly present

the winning game results to the player thereby preventing confusion as taught by Inoue (*Inoue* Col 2:5-36)

The combination of Bennett and Inoue is silent regarding the utilization of a time interval to change a wild symbol present in a winning combination to other specific symbols that complete the winning arrangement however the related invention of Yoseloff teaches the morphing (a process understood to inherently include a time interval) of a wild symbol into a specific game symbol as to complete a winning combination (*Yoseloff* Col 8:44-46, 10:21-29, 11:22-37). It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the wild symbol morphing features of Yoseloff into the combination of Bennett and Inoue in order to clearly present to the player the specific game symbol that the wild symbol is substituting for

Claim **3, 9,** and **19**: In addition to the presentation of Yoseloff as presented above Bennett teaches the sequential displaying of multiple winning arrangements with a changing wild symbol, in which multiple wins are established (*Bennett* Col 4:29-5:25).

Claims **4, 6, 10, 11, 20,** and **22** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bennett (US 6,419,579) in view of Inoue (US 6,942,572), in further view of Yoseloff (US 6,311,976) in yet further view of Kaminkow (US 6,837,790).

Though the combination of Bennett, Inoue, and Yoseloff teaches the gaming device as set forth above, the combination is silent regarding the incorporation of a vibration feature such that a display mechanism vibrates when a multiple win feature including a common wild symbol occurs. In a related invention however, Kaminkow teaches the inclusion of a vibration feature in an electronic wager game wherein the feature is further taught by Kaminkow as being readily adaptable to a plurality game trigger events (*Kaminkow* Col 2:16-37). It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the features of the vibration feature as taught by Kaminkow into the invention of Bennett, Inoue, and Yoseloff in order to provide the player with additional entertainment and excitement as taught by Kaminkow (*Kaminkow* Col 2:54-60).

Claims **7, 14-15, 17,** and **23** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bennett (US 6,419,579) in view of Inoue (US 6,942,572), in further view of Yoseloff (US 6,311,976), in yet further view of Hamano (US 5,205,555).

Though teaching teaches the gaming device as set forth above, the combination of Bennett, Inoue, and Yoseloff is silent regarding the incorporation of multiplier that are predetermined based on the symbol combination. In a related invention however, Hamano teaches the inclusion of predefined multipliers in a multi-reel slot machine (Figures 15-16, Col 1:38-2:39) to make a slot machine game more entertaining and a more exciting experience. It would have been obvious to one of ordinary skill in the art

at the time of invention to have incorporated the predefined multiplier of Hamano into the combination of Bennett, Inoue, and Yoseloff in order to make a slot machine game more entertaining and a more exciting experience as taught by Hamano.

Claim **16** is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bennett (US 6,419,579) in view of Inoue (US 6,942,572), in further view of Yoseloff (US 6,311,976) in view of Kaminkow (US 6,837,790) in yet further in view of Hamano (US 5,205,555).

Though teaching teaches the gaming device as set forth above, the combination of Bennett, Inoue, Yoseloff, and Kaminkow is silent regarding the incorporation of multiplier that are predetermined based on the symbol combination. In a related invention however, Hamano teaches the inclusion of predefined multipliers in a multi-reel slot machine (Figures 15-16, Col 1:38-2:39) to make a slot machine game more entertaining and a more exciting experience. It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the predefined multiplier of Hamano into the combination of Bennett, Inoue, Yoseloff, and Kaminkow in order to make a slot machine game more entertaining and a more exciting experience as taught by Hamano.

Response to Arguments

Applicant's arguments with respect to claims **1-4, 6-11, 14-20,** and **22-24** have been considered but are moot in view of the new ground(s) of rejection. Specifically the Applicant's arguments are directed toward presented claim features placing a time

interval on the conversion of a wild symbol into a specific gaming symbol that is taught by at least the prior art of Yoseloff as presented in the rejections above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT MOSSER whose telephone number is (571)272-4451. The examiner can normally be reached on 8:30-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit 3714

/R. M./

Examiner, Art Unit 3714